

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:20-CR-00179-RJC-DCK

USA, )  
)  
v. ) ORDER  
)  
OMAR ALEJANDRO GAMINO )  
GAONA, )  
\_\_\_\_\_ )

**THIS MATTER** is before the Court upon the defendant's Notice of Appeal for Revocation of the Magistrate Judge's Order Denying Bond, pursuant to 18 U.S.C. § 3145(b) and (c). (Doc. No. 15).

The defendant claims the government failed to carry its burden to establish he is a flight risk. (*Id.* at 1). Since the notice was filed, the defendant entered a guilty plea. (Doc. No. 17: Acceptance and Entry of Guilty Plea). Thus, he bears the burden to prove by clear and convincing evidence he is not likely to flee or pose a danger to the safety of any other person or the community if released. 18 U.S.C. § 3143(a).

**IT IS, THEREFORE, ORDERED** that the defendant's Notice of Appeal, (Doc. No. 15), is **DENIED** without prejudice.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: October 6, 2020



Robert J. Conrad, Jr.